

**Foxborough Planning Board
Meeting Minutes
May 31, 2012
Town Hall**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé,
Alternate John Rhoads

Members Absent: Shannon McLaughlin

Also Present: Planner Sharon Wason

In light of Ms. McLaughlin's absence, Chairman Weinfeld asked Mr. Rhoads to participate in the meeting as a full voting member.

7:00 p.m. Review of old/new business

Planner's Report

Housing Production Plan – William Grieder informed the Board that the Board of Selectmen will join the Board for the June 28th meeting.

Master Plan – Sharon Wason thanked the Board for supporting the Master Plan workshop and asked members to encourage people to attend the June 21st workshop as well. She stated that the process is showing that the sewer problem is a Town problem and not a user problem.

Ian Cooke from the Neponset River Watershed Association has a grant from a foundation to work with communities and has offered to do a stormwater audit of all of the Town's regulations for free. S.Wason suggested that this could be done in the fall.

Department Fees – S.Wason suggested adding fees for “missed appointment” and “additional inspections”. The inspection fees should be a deposit and then charge any expenses above and beyond. Also added will be fees for “extensions requests” and “rescission of an approved definitive plan”. A public hearing will be scheduled for July.

Subdivision Regulations review – S.Wason stated that she sent out a questionnaire to the Board concerning Town streets but hasn't received any responses. She would like to meet with Board members individually to get their opinions. She also discussed changing the requirements for public shade streets.

PWED project – S.Wason informed the Board that I.W. Harding submitted a Notice of Substantial Completion. She stated that most of North Street was paved today. A ceremony will be scheduled in late July. She also thanked Gordon Greene for all the help with Payson Road fence.

7:05 p.m. Action Items:

Request to set performance guarantee “Governor’s Meadow” Subdivision

S.Wason stated that developer Steve Mordini submitted an estimate of the cost for the construction of VanDoorn Avenue. She added the prevailing wage to the contractor’s cost and a 20% multiplier. Mr. Mordini will come back on July 12th after meeting with his banker.

Request for extension of subdivision completion date “Nantucket Estates” subdivision

Attorney John Michelmore submitted a letter requesting an extension. W.Grieder stated since this project was approved 6 years ago, he suggested that they require the developer to notify abutters of the extension request. S.Wason suggested granting them a 6 month extension and deal with this project after the summer. After a brief discussion, the Board felt that the extension should be granted to October 1st.

Motion by Ron Bressé to grant “Nantucket Estates” subdivision an extension of their subdivision approval to October 1, 2012. Seconded by J.Rhoads. Unanimous Affirmative Vote (5:0)

Request for confirmation of Lot Release “The Gables at Foxboro Green” subdivision

S.Wason explained that lot 2, 5 & 10 have already been released, but were never recorded. A new original Form K needs to be presented to the Registry of Deeds.

Motion by W.Grieder to confirm the release of lots 2, 5 & 10 of “The Gables at Foxboro Green” subdivision. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Request for minor modification “Rosewood Estates” subdivision

S.Wason read request letter from Mike Ferrone to modify the drainage and remove a structure. The Board asked that inspector Norm Mullaney review the request and make a determination.

Request for minor modification 10 Panas Road parking lot

S.Wason read letter submitted by engineer William Buckley of Bay Colony Group. They are proposing to substitute the stormceptor because they weren’t able to secure the type listed in the approval. S.Wason stated that she inspected the site and seems like it’s a good compromise. J.Rhoads stated that our approval should be subject to approval by the Conservation Commission.

Motion by W.Grieder to determine that this is a minor modification and approve the modification with the condition that the Conservation Commission approves the modification. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

**7:30 p.m. Continued Public Hearing – Special Permit
Accessory Apartment
239 East Street
Paul Silveria**

Paul Silveria stated that at the last meeting, the Board requested that percolation tests be performed to ensure that the property could accommodate a larger septic system. He stated that the percolation test was performed by BDO Engineering and was successful. K.Weinfeld read letter from BDO Engineering.

There were no comments from the public.

Motion by W.Grieder to close the public hearing. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

Motion by W.Grieder to grant the Special Permit to construct an Accessory Apartment at 239 East Street with the following conditions:

1. This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.
2. Occupancy of the second unit shall be limited to the petitioner's parents, Sharon Pond and Tony Pond. This Permit shall expire upon the home being sold or when the petitioner's parent or parents no longer reside in the unit.
3. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.
4. Any change(s) from this permit or any of its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).

Seconded by J.Rhoads. Unanimous Affirmative Vote (5:0)

7:40 p.m. Site Plan Waiver request from Rodman Ford

S.Wason read letter from Building Commissioner Casbarra stating that Rodman Ford is requesting a Site Plan Waiver to construct a 995 s.f. addition at 53 Washington Street. Mr. Casbarra supports the request since the addition is less than 1,000 s.f. and adequate parking is provided on site. The Board discussed the request and found that the addition is less than 1,000 square feet and will not be visible from the public way.

Motion by W.Grieder to waive site plan review to construct a 995 s.f. addition at 53 Washington Street. Seconded by K.Weinfeld. Unanimous Affirmative Vote (5:0)

7:45 p.m. Discussion with Ted Wooding concerning 34 Pleasant Street

Ted Wooding stated that he has had trouble financing the approved project which is for 8 units in one building. He proposes breaking the building into 3 phases. He stated that he met with Building Commissioner Casbarra to discuss the plan. He would put walkways between the buildings to connect them. S.Wason stated that for zoning it would be 1 building and for mortgage purpose it would be 3 phases. He stated that the phases would be broken down into 3 units – 2 units – 3 units. The walkways would be a roofline with a façade in the front. S.Wason stated that Mr. Casbarra will give the Board a recommendation after he reviews the architectural rendering. K.Weinfeld asked what will be done with the sewer connection. T.Wooding responded that the first unit would be connected and others would be on septic; in the event more flow is available then they would apply for more flow.

K.Weinfeld stated that he likes this plan better than the previously presented plan. T.Wooding stated that he met with the Deputy Fire Chief and discussed the plans and he had no concerns about it. W.Grieder stated that he should ask the Deputy Fire Chief if there are any concerns about access to the rear of the building.

S.Wason discussed the footprint of the building. She stated that the units are smaller but the footprint is somewhat larger. She stated that Conservation may require re-filing if the difference in footprint is larger. She expressed concern about the width of the driveway. She stated that the footprint is being increased by 160 s.f.; suggested narrowing down the driveway so that the impervious amount is not increased.

The Board discussed the proposal and liked the design but requested that Mr. Wooding obtain letters of support from the Deputy Fire Chief, Conservation and Building Commissioner Casbarra.

8:00 p.m. Request for confirmation of Lot Release and discussion of the “Highlawn Farm” subdivision with John Galvani and John Walsh

John Galvani, Senior Vice President of Norwood Bank and John Walsh of Walsh Brothers Building Co. were present.

The Board reviewed letter from Mr. Walsh dated May 14, 2012. Points discussed:

1. The Board’s policy of lot releases. Once the main road is complete, then the cul de sacs would be addressed.
3. Conveyance of Open Space land to Conservation. J.Rhoads stated that he would like to see signage and bounds on the open space property. J.Walsh responded that they will be installed adding that the Conservation Commission didn’t want to get involved with this condition from the overall Special Permit.
6. Roof run-off structures – W.Grieder stated that the Board had discussed with original developer that remediation should be done for the lack of roof run off structures. S.Wason asked if the basins would be large enough to handle the run off from 15 roofs. The Board discussed the status of the basins. J.Walsh stated that they can do a rejuvenation of the basins and can have Bill Buckley meet with the Board to discuss the drainage issue.
7. Off site drainage improvements on North Street – Condition completed.
9. Crosswalks across North Street at the both ends of the subdivision road – W.Grieder commented that this was done by others and mitigation should be discussed.
10. Planting 100 evergreen trees in the open space areas disturbed by the predevelopment site investigation – Condition completed.
12. The trench for the water and gas (other utilities) line on North Street must be properly cut, patched and treated with infrared – Condition completed.
26. Dry wells installed adjacent to catch basins were soil conditions allow. – The Board reviewed Norman Mullaney’s report dated May 30, 2012. J.Walsh stated they could have Truax use a camera to verify if leaching pits were constructed.

K.Weinfeld stated that paving of driveways will be discussed when the final paving of the subdivision road takes place.

Due to the fact that a public hearing was scheduled to 8:45 p.m., the Board voted to continue the discussion after the hearing.

Motion by K.Weinfeld to move the discussion to a later time in tonight’s meeting. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

**8:45 p.m. Public Hearing
“Autumn Valley Estates” subdivision**

Developer Phil Moore presented the Board with responses to construction reports #3 & #4. He stated that he called the tree people to check out the trees that have been a problem.

K.Weinfeld reviewed construction report #5 from Norman Mullaney. P.Moore stated that he has tried to do the work but the Board has never been satisfied and will consult with his lawyer.

There were no comments from the public.

Motion by K.Weinfeld to close the public hearing. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

Motion K.Weinfeld to find that the developer has failed to complete the subdivision, specifically, the planting of trees, landscaping and hardscaping therefore, the Board voted to enforce the bond to finish the subdivision. Seconded by W.Grieder. Unanimous Affirmative Vote (5:0)

8:55 p.m. Continued discussion concerning “Highlawn Farm”

The discussion on Mr. Walsh’s May 14th, 2012 letter continued.

The Board requested that the sentence stating that the completed roadway has been inspected and approved by the Town be removed.

Affordable Units – S.Wason stated that Michael Intoccia chose to place the two affordable units in the ANR lots but the deed restriction was never signed by the Selectmen. J.Walsh stated that the Town should consider putting a lien on the ANR lots previously designated as affordable.

The Board discussed the paragraph stating that “no new roadways will be constructed until all lots in the completed portion of the subdivision have been sold” because that would preclude Doug King from developing the lots that he owns. J.Walsh responded that they did not mean to include the lots owned by Mr. King.

The Board then discussed the extension of the Covenant. J.Walsh stated that he will come up the cost of outstanding work and will request an extension for 2 years.

The Board discussed the offer to contribute a “lump sum payment of \$75,000 to a fund for development of an athletic field as designated by the Planning Board”. J.Galvani stated that they looked at the amount previously discussed and felt that the amount was high and since it’s a lump sum it would be beneficial to all. S.Wason asked if Mr. Walsh would be willing to do some of the work rather than a sum of money. The Board discussed doing paving work at the Recreation fields.

J.Walsh stated that one of the homes is under agreement and asked if the Board would consider releasing another lot. After a brief discussion, the Board agreed to release lot B-15.

Motion by W.Grieder to endorse the release of Lot B-15 from the “Highlawn Farm” subdivision Covenant. Seconded by R.Bressé. Unanimous Affirmative Vote (5:0)

10:00 p.m. Master Plan Update

Consultant Kathy McCabe updated the Board on the ongoing work in drafting the Master Plan.

11:20 p.m. Meeting adjourned

Approved by: Gordon Greene, Clerk

Date: October 25, 2012